

OFFICIAL COUNCIL PROCEEDINGS

A regular meeting of the City Council of the City of Menomonie, Dunn County, Wisconsin, was held in open session on June 19, 2006, and called to order by Mayor Kropp at 7:00 p.m. in the City Council Chambers. The following members were present: Sandy White, Sutliff, Herb White, Riedel, Schwebs, Fonder, Hoyt, Brogan, Beety, and Lowery. Madsen was absent.

MOTION to approve the minutes of the June 5, 2006 meeting was made by Sutliff, seconded by Sandy White, and carried.

PUBLIC HEARING Mayor Kropp announced time for the public hearing regarding the proposed smoking prohibition in indoor work and indoor public areas.

Mel Saxton, Cindy Earley, Damon Anderson, Scotty Nelson, Lonne Keck, Dick Larson, Bob Stratton, Carter Smith, Kyle Olson, Bill Ostwald, Everett Wilbur, Robin Johnson, and Jerry Smith spoke in opposition to a smoking ban in the City of Menomonie with statements such as:

- ▶ Private businesses should be able to have a choice whether or not their establishment is smoke free.
- ▶ Exhaust fumes from cars and trucks is more hazardous than cigarette smoke.
- ▶ Taverns should be exempt from the smoking ban as it could be devastating to those businesses.
- ▶ If a smoking ban is enacted, it should be state-wide, not local.

Steve Brown, Julie Marlette, Dr. Sara Herrmann, Devin Corbin, Sherman Lee, Elna Johnson, Wendy MacDougall, Steve Rosas, Linda Larkin, Shirley Fredrickson, Allen Ebel, and Joan Menefee spoke in support of a smoking ban in the City of Menomonie with statements such as:

- ▶ The effects of second-hand smoke can be seen daily in the medical profession.
- ▶ Protect the health of the public by creating a smoking ban.
- ▶ How difficult it was to watch a loved one die from the effects of smoking and/or second-hand smoke.
- ▶ Positive effects could be seen when the Red Cedar Medical Center went smoke-free as of January 1, 2006.

Melonie Morse requested tobacco shops be exempt from a smoking ban.

Petitions both for and against a smoking ban; letters of support and opposition; and a Support for Education and Prevention of Exposure to Second-Hand Smoke Resolution, adopted by the Dunn County Board of Health & Human Services, were all received and placed on file. Hearing closed.

PUBLIC COMMENTS Tim Schletty and Jon Crowford, representing Log Jam, Inc. (Menomonie Log Jam at 707 & 709 South Broadway) provided the Council with a transcript of their comments that were made at the January 16, 2006 council meeting, and pointed out that at that time they stated an anticipated completion date for construction of the Menomonie Log Jam is August 30th, 2006.

Attorney, David Hass, representing Pizza Hut, updated the Council on the construction status of the new Pizza Hut located at 2307 State Road 25, and requested approval of their beer/liquor license for the 2006/07 license year.

Marge Quale, co-owner of Das Bierhaus, updated the Council on the status of the brew pub and announced that their plan is to be open in September of 2006.

Curt and Carol Blodgett spoke in opposition to the granting of extensions to the establishments that have been granted beer/liquor licenses but have not been able to exercise

those licenses due to construction/financing schedules that have ongoing for over one year, and he stated that he would like to file an application for a “Class B” liquor license for That Mexican Place.

Carter Smith, representing the Stout Ale House, asked the Council to approve his application for a “Restaurant Exception to the Quota” liquor license for the Stout Ale House.

Harvey Probst announced that only a few minor items need to be completed at this time and that he anticipates opening Skoog’s Parkside prior to June 30th, 2006.

MOTION directing the city attorney to draft an ordinance for the July 17th meeting prohibiting smoking in indoor public areas, utilizing the recommendations submitted by the ad-hoc smoking committee as a guideline, with the following exceptions and amendment:

- ▶ Exception: Any establishment requiring a restaurant license whose sales of alcohol beverages constitute more than 50% of its gross receipts for the most recent alcohol beverage licensing year. Upon request, an owner of an establishment shall substantiate the percentage of the gross receipts of the establishment that are derived from food and alcohol beverage sales.
- ▶ Exception: Any bar as defined in TBD.010
- ▶ Amendment: Amend TBD.040 Reasonable Distance to read: Smoking is prohibited within a reasonable distance of 25 feet outside the primary entrance, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to insure that tobacco smoke does not enter those areas.

The motion was made by Lowery, seconded by Fonder, and carried on the following roll call vote: Ayes: Sandy White, Herb White, Schwebs, Fonder, Beety, and Lowery. Noes: Sutliff, Riedel, and Hoyt. Abstain: Brogan.

MOTION was made by Lowery, seconded by Sandy White, and carried on roll call vote authorizing the street department to proceed with a low impact stormwater management project at the intersection of 4th Avenue and 15th Street to eliminate water ponding/backup at the entrance to Elmwood Park.

MOTION was made by Brogan, seconded by Hoyt, and carried to advertise the Ward 7 council vacancy which will occur as of July 3rd.

BIDS were received for three 2007 Ford Crown Victoria Police Interceptor vehicles as follows: Northtown Ford \$64,480. MOTION to accept the bid from Northtown Ford of \$64,480 for three (3) 2007 squad cars was made by Schwebs, seconded by Herb White, and carried on roll call vote.

ORDINANCE regarding the elimination of parkland dedication fees was introduced by Sandy White. MOTION to waive the first reading was made by Brogan, seconded by Beety, and carried. MOTION to waive the second reading was made by Riedel, seconded by Sandy White, and carried. MOTION to adopt the ordinance was made by Sandy White, seconded by Fonder, and carried.

BUDGET MOTION was made by Brogan, seconded by Sutliff, and carried on roll call vote to approve the following budget transfers:

- ▶ \$550 from Contingency 01.60000.699 to Leisure Services Center 01.55130.740 Refrigerator/Freezer
- ▶ \$1,500 from Parks 01.55410.245 Tree Removal to 01.55410.476 Maintenance Materials.

MAYOR’S REPORT Mayor Kropp announced that the agenda pack included information relating to the Joint Council Meeting scheduled for June 29th, and the May building inspection report.

MOTION was made by Sutliff, seconded by Fonder, and carried on roll call vote to approve payment of the following claims:

A-1 Excavating	\$ 30,025.50
A-1 Redi Mix	1,938.75
Creative Ideas	138.00
County Materials	465.00
D. S. Electric Supply	805.00
Keyes Chevrolet	19,322.80
MDMA Equipment	6,089.20
Motorola	63.76
Steel Towne	378.00
United Building Centers	9.47
WI Dept. of Natural Resources	11,644.42
Xcel Energy	31,328.57
<u>PARKING UTILITY</u>	
Cardmember Services	217.61
City Treasurer	655.36
Crossroads Ag	52.50
Ron Koenig	117.00

LICENSES MOTION was made by Sandy White, seconded by Fonder, and carried to postpone action on the request from Northern Star Hospitality, Inc. (Green Mill - 1827 North Broadway) to amend the licensed premises to include the outside patio.

MOTION to grant a Class B Beer & Liquor license to Log Jam, Inc. (Menomonie Log Jam - 707 & 709 South Broadway) SUBJECT TO FINAL INSPECTION was made by Lowery, seconded by Schwebs, and was declared postponed due to the following roll call vote (lack of quorum voting - item will be placed on the next agenda for consideration): Ayes: Schwebs, Hoyt, Beety, and Lowery. Noes: Herb White, and Fonder. Abstentions: Sandy White, Sutliff, Riedel, and Brogan.

MOTION to grant a Class B Beer & Liquor license to Northfield Restaurant Corp. (Pizza Hut - 2307 State Road 25) SUBJECT TO FINAL INSPECTION was made by Hoyt, seconded by Sutliff, and carried with Sandy White abstaining.

MOTION to grant a Class B Beer & Liquor license to Judith A. Probst (Skoog's Parkside - 932 North Broadway) SUBJECT TO FINAL INSPECTION was made by Sutliff, seconded by Sandy White, and carried.

MOTION to deny the Class "B" Beer license and the "Class C" Wine license to Zeron, LLC (Lombardo's - 200 Main Street) was made by Sandy White, seconded by Sutliff, and carried.

MOTION to grant a Class "B" Beer; "Class B" Liquor; and Wholesale license to Red Cedar Brewing, LLC (Das Bierhaus - 602 W. 2nd Street) SUBJECT TO RECEIPT OF THE FEDERAL PERMIT AND STATE BREWER'S PERMIT, A COPY OF THE PURCHASE OR LEASE AGREEMENT FOR THE BUILDING, FINAL INSPECTION, SUBMITTAL OF THE WISCONSIN SELLER'S PERMIT, AND AGENT COMPLETION OF THE BARTENDING TRAINING COURSE was made by Schwebs, seconded by Beety, and carried.

MOTION to grant a Class B Beer & Liquor license to Lakeside Bar, Inc. (Dean & Sue's - 2002 Midway Road) was made by Sutliff, seconded by Hoyt, and carried.

MOTION to grant a Class B Beer & Liquor license to 410th Street Holdings, LLC (The M/G & Jazz City Liquor - 1919 Stout Road) SUBJECT TO APPROVAL FROM THE WI DEPT. OF REVENUE was made by Schwebs, seconded by Sutliff, and carried.

MOTION to grant a Class B Beer & Liquor license to Broadway Bowl, LLC (Broadway Bowl - 1501 North Broadway, Suite A and Suite B) was made by Beety,

seconded by Lowery, and carried on roll call vote with Herb White opposed and Brogan abstaining.

MOTION to postpone action on granting a “Class B” Liquor RESTAURANT EXCEPTION TO THE QUOTA LICENSE; a Class “B” Beer license; and a Cigarette license to Stout Ale House, LLC (Stout Ale House - 1501 North Broadway, Suite A) until Red Cedar Brewing, LLC (Das Bierhaus - 602 W. 2nd Street) is issued their license was made by Sandy White, seconded by Riedel, and lost on the following roll call vote: Ayes: Sandy White, and Riedel. Noes: Sutliff, Herb White, Schwebs, Fonder, Hoyt, Beety, and Lowery. Abstain: Brogan.

MOTION to grant a “Class B” Liquor RESTAURANT EXCEPTION TO THE QUOTA LICENSE; a Class “B” Beer license; and a Cigarette license to Stout Ale House, LLC (Stout Ale House - 1501 North Broadway, Suite A) was made by Hoyt, seconded by Beety, and was declared postponed due to the following roll call vote (lack of quorum voting - item will be placed on the next agenda for consideration): Ayes: Schwebs, Hoyt, Beety, and Lowery. Noes: Herb White, Riedel, and Fonder. Abstentions: Sandy White, Sutliff, and Brogan.

MOTION to grant a Cabaret license to Ba Da Bingz, LLC (Ba Da Bingz - 414 Main Street) excluding the outside 20' x 20' area, as recommended by the Police Chief, was made by Riedel, seconded by Schwebs, and carried.

MOTION to grant a Cabaret license to 410th Street Holdings, LLC (The M/G & Jazz City Liquor) was made by Lowery, seconded by Sutliff, and carried.

MOTION to grant a Cabaret license to Stout Ale House, LLC (Stout Ale House - 1501 North Broadway, Suite A) was made by Lowery, seconded by Sutliff, and carried.

MOTION to grant the following licenses was made by Beety, seconded by Schwebs, and carried: **OPERATORS (expires June 30, 2006):** Katie M. Eisner.

LICENSE YEAR - 2006 / 2007 (expires June 30, 2007)

MASSAGE THERAPY FACILITY: Gillan’ Day Spa, Inc., Jodi & William Gilgenbach, (Gillan’ Day Spa, 2007 Wilson Street); Celia Lausted - 1014 N. Broadway, Suite 1 -

SUBJECT TO FINAL INSPECTION & PROOF OF INSURANCE; Mary Beth Lvoncek – 201 NE 14th Street; Leslie J. Norris - 1202 15th Ave. East; Linda M. Stark - Bay View Office Park, 700 Wolske Bay Rd. Suite #225; YamaMizu Renmei, Inc., William & Linda Bergstrom, (Healing Arts Center, 710 4th Street East).

MASSEUSE: Mary B. Lvoncek; Cynthia A. McManus; Leslie J. Norris; Linda M. Stark.

OPERATORS: Damon W. Anderson; Julie M. Anderson; SueAnn F. Babbitt; Katie J. Barton; Shanna L. Biederman; Eric D. Bremer; Stephanie A. Broten; Noah W. Cain; Alissa L. Chial; Timothy C. Creed; Paula M. Dahl; Jason M. Davis; Kate M. Destree; Bruce J. Diamond; Karen M. Diamond; Katie M. Eisner; Kelsey E. Ethen; Bart D. Fansler; Julie A. Fenner; Blake D. Gabriel; Meghan C. Gaede; Brittany L. Garratt; Oliver D. Gaston; Heidi K. Gehring; Robert W. Giertz; Steven J. Halvorson; Alexander D. Hamm; Rebecca M. Hargrave; Jennifer L. Harvey; Bradley M. Helmueller; Lisa J. Hoff; Janet M. Husby; Scott A. Husby; Vaughn L. Husby; Angela K. Jannssen; Terri J. Jenneman; Tracey L. Joiner; Matthew J. Keays; Tiffany A. Kersey; Gail M. Krause; Jacquelyn A. Krook; Roslyn J. Krook; Danielle R. Larson; Stacey P. Larson; Amanda L. Lehnertz; Jennifer J. Lybert; Nathan T. McKeeth; Patrick D. McLaughlin; Zachariah J. Merk; Kimberlea M. Meyer; Courtney L. Middleton; Susan M. Miller; Alyson M. Mitchell; Timothy J. Niehoff; Lindsay J. Now; Kristine L. Patterson; Donald O. Peterson; Nicole M. Rademacher; Robert D. Rasmussen; Michael A. Reid; Matthew T. Rice; Tiffany S. Rigdon; Kevin W. Scholfield; Jacob J. Schulz; Rebekah J. Shearier; Myron M. Siler; Victoria R. Snider; Adam J. Stewart;

Adam P. Stuhr; Jenna E. Thalacker; James T. Tilleson; John F. Vancil; Ramona A. Vann; Roy W. Verduzco; Debra L. Vind; Micah A. Vrieze; Daniel J. Warren; Dustin W. Weiker; Jena L. Weiler; Patrick A. Welter; Joseph L. Wiesneski; Debra K. Yaeger.

TAXI CAB: Klassic Cab, LLC; Stout Ale House, LLC.

TAXI CAB DRIVER: Michael M. Brempell; Terrance J. Butler; David A. Eddy; Douglas E. Engelbretson; Mark E. Everett; Alexander D. Hamm; Teresa A. Huber-Keck; Ryan M. Johnson; Lonnie C. Keck; Patrick D. McLaughlin; Dale T. Oebser; Terry W. Sather; Joseph L. Wiesneski.

MOTION to convene in closed session under Wisconsin Statutes 19.85 (1) (c),(e), and (g) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the government body had jurisdiction or exercises responsibility; deliberating or negotiating the purchase/sale of public properties; the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved was made by Hoyt, seconded by Fonder, and carried on roll call vote.

MOTION to return to open session was made by Lowery, seconded by Fonder, and carried on roll call vote.

No action was taken.

MOTION to adjourn was made by Riedel, seconded by Hoyt, and carried.

JoAnn L. Kadinger, City Clerk

